

CITIZEN'S INDEPENDENT TRANSPORTATION TRUST (CITT)

Project Review Committee

Wednesday, April 14, 2004

Stephen P. Clark Center

111 NW 1st Street

10th Floor Conference Room

3:00 p.m.

Summary of Minutes

MEMBERS PRESENT:

LtCol Antonio Colmenares, Chairman
Hon. John Cosgrove
Thamara Labrousse
Miles Moss

Marc Buoniconti
Franklin Kelly
Herminio Lorenzo
Hon. James Reeder

OTHERS PRESENT:

Hilda M. Fernandez, Executive Director, OCITT
Orietta Velez, Citizen
Clinton Forbes, MDT
Joe Lepp, Citizen
Pepe Valdez, OCITT

Patty David, OCITT
Surinder Sahota, MDT
Lawrence Percival, KFHA
Manny Mejido, Citizen

ROLL CALL

With a quorum being present, LtCol Antonio Colmenares called the meeting to order at 3:15 p.m.

APPROVAL OF AGENDA

LtCol Colmenares requested a motion to approve the agenda. Mr. James Reeder moved its approval. The motion was seconded by Mr. Franklin Kelly and carried without dissent.

CITIZEN'S COMMENTS

Mr. Lawrence Percival, citizen, referred to his comments that were reflected in the PRC March 10, 2004, minutes. His comments referred to a PWD project consisting of the two western lanes of SW 127th Avenue from Southwest 128th Street to 136th Street that are being built at no cost to the County by Lennar Homes. However, the two eastern lanes of SW 127th Avenue are not going to be built by developers, and the PWD has no money allocated to build them. A problem arises once SW 127th Avenue reaches SW 128th street. The MPO/TIP has not made any monetary provision for the continuation of SW 127th Avenue from SW 128th Street to SW 124th Street (through the Nixon/Smiley Pineland Preserve), although PWD has acquired the necessary right-of-way. Mr. Percival suggests that the CITT ask PTP/Public Works to fund and build the entire un-funded portions of the SW 127th Avenue extension Project, so that it aligns with the roadway design of the SW 127th Avenue Project, which is funded for FY 04-05 and 05-06, from SW 88th Street to SW 120th Street, specifically to include the bicycle path. There is no funding or planning at this point in the MPO's TIP for the eastern side from SW 124th Street to SW 120th Street, and road impact fees have been paid by the two separate developers (Master Developers and Century Homes). LtCol Colmenares stated that the project is not a PTP project and would be considered as a new project and follow the process that is in place. He asked Mr. Percival to meet with OCITT staff to discuss the proposed project, and staff would make the appropriate recommendation to the CITT. Mr. Tinder added that there is some identified funding and it would be recommended to combine the funding to address the portion that is not presently funded. In addition, Mr. Tinder stated that it would be an amendment to the projects listed in the PTP. Mr. Cosgrove suggested asking the PWD to review the project and bring back a proposal for

further discussion. Mr. Percival also stated that there are needs to be coordinated to avoid adding and then removing traffic signals in that area.

Mr. Joe Lepp, citizen, announced that he overheard a Wackenhut security guard mentioning that the Miami-Dade Transit (MDT) Department was going to discontinue Metrorail hours from 1:00 am - 4:45 a.m. starting April 25, 2004. LtCol Colmenares responded that it was approved by the CITT last month because it was reported by MDT that it did not have sufficient ridership to justify the cost for providing service during those hours.

APPROVAL OF MINUTES – FEBRUARY 4, 2004 & MARCH 10, 2004

LtCol Colmenares requested a motion to approve the minutes. Mr. Cosgrove moved its approval. The motion was seconded by Mr. Moss and carried without dissent.

REPORTS

Ms. Hilda Fernandez, Executive Director, Office of the Citizens' Independent Transportation Trust (OCITT) stated that items 7 A-E are being presented as reports only. The contracts involve PTP projects included in the Public Works Department (PWD) 2-Year Work Plan, which were approved by the CITT last December. LtCol Colmenares questioned why the items are being presented as reports instead of Action Items. Ms. Fernandez replied that that it was unclear whether the Project Review Committee (PRC) needed to approve contracts. The Compliance and Oversight Committee reviews contracts as it relates to minority participation measures and the Budget and Finance Committee reviews contracts to determine the fiscal impact of the contract as it relates to the PTP. If the PRC prefers to take action on the items it can do so, and if that is the desire of the committee, all future contracts will be placed as action items on the agenda. LtCol Colmenares requested a motion to change the report items 7A-E to Action Items 7 A-E. Mr. Reeder moved approval. The motion was seconded by Mr. Moss and carried without dissent.

7A RESOLUTION BY THE CITT APPROVING THE ACTION BY THE BCC OF AWARDING A CONTRACT TO RAYDAN ELECTRIC, INC., FOR THE PWD PROJECT ENTITLED PTP SCHOOL FLASHING SIGNALS, PROJECT NO. 20030014

Ms. Fernandez explained that the Raydan Electric, Inc., contract for School Flashers Project was approved by the Board of County Commissioners (BCC) on March 16, 2004. The selection was made through a competitive bid process. It is an open contract for \$1 million dollars. The contract is for 365 days with an option to renew for an additional year. The contract provides school flashing signals countywide for a variety of projects previously approved by the CITT.

7B RESOLUTION BY THE CITT APPROVING THE ACTION OF THE BCC OF AWARDING A CONTRACT TO XCEL ENGINEERING, CORP., FOR THE PWD PROJECT ENTITLED PTP PROJECT SIDEWALK CONTRACT, PROJECT NO. 20030006

7C RESOLUTION BY THE CITT APPROVING THE ACTION BY THE BCC OF AWARDING A CONTRACT TO XCEL ENGINEERING CORP., FOR THE PWD PROJECT ENTITLED THE PTP ADA SIDEWALK CONTRACT, PROJECT NO. 20030012

Ms. Fernandez explained that both Xcel Engineering Corporation contracts are for PTP Sidewalk Projects. Ms. Fernandez distributed additional information that OCITT staff had requested from the PWD related to the Xcel Engineering contracts and H & R Paving. She stated that the contracts cannot be used for a stand alone sidewalk installation unless the projects are part of a roadway project. The contracts are for one-year, country-wide open contract with an option to renew for an additional year. The ADA contract is for ADA sidewalk improvements as the departments are mandated to make sidewalks accessible at bus stops.

The department can access either contract. They must be related to transit or roadway improvements for PTP projects.

**7D RESOLUTION BY THE CITT APPROVING THE ACTION BY THE BCC OF
AWARDING A CONTRACT TO H & R PAVING, INC., OR THE PWD PTP
RESURFACING PROJECT NO. 2003001**

Ms. Fernandez explained that the contract is for one year; a county-wide open contract with an option to renew for an additional year. The contract was presented before the CITT when the PWD requested approval for an existing H & R Paving contract and modified it to allow PTP funds and for the value of the contract to be added to another \$300,000 to allow PTP projects to be implemented. It was anticipated that this contract would be issued. In other words, the PWD amended the existing contract to begin working on some of the PTP projects while the competitive process was taking place for a contract exclusively for PTP projects. It is the department's intent to use the previously approved contract and also this contract for PTP projects approved in the PWD 2-year plan that was approved in December 2003.

Ms. Fernandez also added that all the contracts have been reviewed by DBD and have met their established requirements. It is staff's recommendation to approve items 7 A-D.

LtCol Colmenares requested a motion to approve items 7 A-D. Mr. Moss moved its approval, seconded by Mr. Reeder and carried without dissent.

**7E RESOLUTION BY THE CITT APPROVING THE BCC ACTION AUTHORIZING THE
EXECUTION OF TWO NON-EXCLUSIVE PROFESSIONAL SERVICES
AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND CHEROKEE ENTERPRISES,
INC., AND PEER CONSULTANTS, P.C., TO PROVIDE GROUNDWATER, SURFACE
WATER, AND SOIL CONTAMINATION CLEANUP SERVICES, PROJECT NO. E03-
DERM-01; IN THE AMOUNT UP TO**

Ms. Fernandez reported that the contract went to the BCC yesterday and was modified. The item is submitted on behalf of MDT by the Department of Environmental Resources Management (DERM), which provided a service to MDT. The services that will be provided to MDT are to support environmental clean-up tasks for the Phase II, Orange Line projects of the PTP.

Ms. Fernandez further explained that the original DERM request was for two professional service agreements with two different firms worth \$5 million each or a maximum of \$10 million. Once the contract was negotiated at \$5 million with the two firms, it was discovered that the County Manager is only allowed to negotiate contracts up to \$500,000. The firms were notified that instead of having \$5 million contracts, the contracts total value would be for only \$500,000 for five years. The firms understood and accepted the new price. However, the department has submitted an amended to the Ordinance that sets the cap at \$500,000 to permit the cap to be raised to \$5 million. The amendment has been approved by the BCC at first reading. The action that was taken by the BCC is as follows:

To approve the contract with a caveat that if the Ordinance is approved at second reading, the County Manager will be allowed to increase the value of the contracts to \$5 million each. While it is not guaranteed that 100 percent of the expense is going to be PTP funded, MDT is expected to be the largest user for these two contracts.. In effect, the committees' action at the end of the month is to accept the BCC action in authorizing two \$500,000 contracts, subject to any amendment to the Ordinance in the

future and allowing the contract value to increase to \$5 million each. Both contracts are work order contracts.

The other issue raised was giving the County Manager authority to execute two additional contracts if they needed. Staff has raised a concern that the County Manager cannot unilaterally award PTP funded contracts without CITT approval. Mr. Cosgrove stated that the CITT can only approve what is currently being presented to the committee. If there is going to be a prospective change in raising the limit amount, it is his legal opinion that it would require a second vote of approval.

Ms. Fernandez responded that in terms of contracts, the CITT accepts BCC actions. Yesterday's BCC action was in effect to award two \$5 million contracts each, currently at \$500,000 each, once the Ordinance is amended. It is not expected that the item will go back to the BCC. The amendment is raising the cap from \$500,000 to \$5 million, which apply to all professional services agreements. The resolution before you could include:

**“ACCEPTING THE BCC ACTION IN AWARDING UP TO \$5 MILLION
PROFESSIONAL SERVICE AGREEMENT TO EACH FIRM CONSISTENT
WITH BCC ACTION PENDING ORDINANCE AMENDMENT”**

Mr. Moss commented that the attached resolution, reference project number EO3DERM 01, does not have a dollar figure. Ms. Fernandez replied that because the item was modified yesterday, DERM staff was not able to make the appropriate modifications to the documents. Mr. Moss said if the committee approves the resolution as presented, it is approving a \$5 million contract. Mr. Lorenzo added that the proposed contract is to potentially clean-up 300 sites for the extension of Phase 2 of Orange line projects, which have not been determined to be contaminated.

Mr. Surinder Sahota, Chief, Construction Division, MDT, explained that the total number of possible parcels is approximately 250 for the North, Earlington Heights, and East/West corridors. Each parcel acquires a phase 1 assessment to determine if there are any hazardous materials for a total of \$25,000 for each assessment. Mr. Lorenzo asked if the cost is for each parcel. Mr. Sahota replied it is 20% of the total cost. If you take 50 parcels out of 250 parcels the total cost is \$250,000. Out of those 50 parcels 20% of that will go towards Phase 2. Phase 2 is where the ground water samples are taken to determine the extent of contamination. That costs about \$50,000 – for a total of \$500,000. He further added that two projects need study and design work for a total of \$800,000. In addition, Phase 1 has to be done according to federal regulations.

Ms. Fernandez added that neither phase 1 nor phase 2 can be done until the property has been purchased. Right-away acquisition does not begin until July. LtCol Colmenares stated that the BCC approved the \$500,000 contracts contingent on later amending the Ordinance that will raise the cap to \$5 million. However, anything could happen until that occurs. The resolution needs to reflect the amount being approved. Ms. Fernandez stated that there was a revised memorandum that was sent out that reflects the \$500,000, and it is incorporated to the resolution. (Attachment B).

Mr. Cosgrove moved to approve the resolution for \$500,000 only for the purpose of not holding up any projects.

Mr. Bruce Libhaber clarified that the proposal to amend the ordinance was approved at first reading and has to go back to the BCC Transportation Committee meeting after six weeks from the time the first reading took place at a public hearing in June, which then is forwarded to the BCC in July and then must wait the 10 day Mayoral veto period. The passage of the Ordinance would be at the end of July. The Ordinance would allow for the ceiling to rise for this contract and other contracts to go from \$500,000 to \$5 million. He further clarified, that what is being presented to the PRC committee today and presumably to the full CITT on April 28 is to approve the contract by authorizing \$500,000 today, but with the provision that it could increase to \$5 million if the Ordinance passes.

Lastly, Mr. Libhaber said the committee has three options:

- 1) Approve the contract as is \$500, 000 with the understanding that it may be brought up to \$5 million
- 2) Reject the contract
- 3) Reject the contract and forward a new recommendation to the BCC.

The BCC can override the rejection by a 2/3 majority vote.

Mr. Cosgrove clarified that he is arguing the process by which it was approved by the BCC, rather than the merits of the contract. There is no doubt for the need of \$5 million for each contract, which is based on work orders. It is only a cap that will be applied to the work orders. However, the committee, as part of its responsibilities cannot give blind approvals to contracts from \$500,000 to \$5 million without understanding how it may impact the overall PTP program. Further, Mr. Cosgrove stated he did not understand the urgency of the BCC to jump that far ahead.

Mr. Sahota stated that there are a couple of projects that have been cited by DERM for over a year. Ms. Fernandez interjected that unless they are PTP related projects, the CITT is not responsible for non PTP projects. Mr. Sahota said the car wash is a PTP project and it has been delayed for two years.

Mr. Moss moved to approve the resolution; the motion was seconded by Mr. Franklin Kelly. LtCol Colmenares called for a vote:

Kelly	Yes	Moss	Yes
Reeder	Yes	Lorenzo	No
Cosgrove	No	LtCol Colmenares	No
Buoniconti	No		

The motion failed.

Mr. Cosgrove moved to approve \$500,000 per contract and in our cover memorandum indicate that we are ready to consider raising the cap to \$ 5 million when the BCC adopts that new provision. The motion was seconded by Mr. Kelly and carried without dissent.

7F RESOLUTION BY THE CITT APPROVING A POLICY THAT ESTABLISHES TIMELINES AND DEADLINES FOR THE REVIEW, APPROVAL OR REJECTION OF PROPOSED PTP AMENDMENTS OR PTP-FUNDED CONTRACTS

Ms. Fernandez explained that the proposed item will be presented to the Trust on April 28, 2004, as an Action item. In addition, she stated that at the January 2004 meeting, the CITT reviewed and accepted a CITT "Concurrent Contract Review" process that set forth a policy for the timely review of PTP-funded contracts by any appropriate CITT committee, concurrent with the review of the BCC Transportation Committee. Under this policy, the full CITT would receive the contract for its approval immediately following BCC action, as required under the applicable County Ordinance, with the benefit of appropriate CITT committee review. Ms. Fernandez further explained the flowchart and attachments. (a copy of memorandum was distributed)

Mr. Moss moved approval. The motion was seconded by Mr. Lorenzo and carried without dissent.

7G RESOLUTION BY THE CITT RECOMMENDING TO THE BCC TO AMEND EXPANDING THE MDT GOLDEN PASSPORT PROGRAM TO INCLUDE HONORABLY DISCHARGED VETERANS WHO ARE MIAMI-DADE COUNTY RESIDENTS AND WHOSE ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED THE STANDARD THRESHOLD APPLIED TO DETERMINE ELIGIBILITY FOR THE LOW INCOME, SENIOR CITIZEN'S ADDITIONAL HOMESTEAD EXEMPTION

Ms. Fernandez reported that Commissioner Javier Souto has requested a proposed PTP amendment to expand the Golden Passport program to low-income, honorably discharged veterans, who are residents of Miami-Dade County. In addition, Ms. Fernandez stated that at the request of MDT, an analysis was prepared by Behavioral Science Research to determine the fiscal impact. The analysis resulted in an estimated loss of revenue of \$670,000 per year. LtCol Colmenares questioned if the impact would be greater since there are over 400,000 service personnel in Iraq and as they return they would be eligible for veterans status just by the fact that they were in a combat zone. Mr. Buoniconti stated that unfortunately at this point the PTP is not in a financial position to extend the program without having a negative impact to the implementation of the PTP. Mr. Cosgrove added that he thinks Commissioner Souto has very good intentions, however, this needs to be studied more and suggested a three to five year limit to decrease the financial impact. LtCol Colmenares and Miles Moss suggested meeting with Commissioner Souto to further discuss other alternative possibilities.

PRESENTATIONS

City of Opa-Locka

Mr. Amir Shaif, Director, Public Works Department, City of Opa-Locka, provided the members with a power point presentation "*City of Opa-Locka Transit Surtax Projects FY 2002-2003 thru 2006-2007*". (a copy of the presentation was distributed).

NEW BUSINESS

Mr. Moss brought up the PWD Grand Avenue project and stated that the CITT did not have time to fully understand the impact of the project. He stated that he would like to be informed when the next lane reduction project is being designed so that the CITT can provide input before the design is finalized. LtCol Colmenares said he would like to discuss and add that item to the next PRC agenda and will provide a copy of his analysis he conducted last year of all the PTP projects.

Mr. Cosgrove asked Mr. Libhaber if the CITT needs to approve PTP funds that are being bonded. Mr. Libhaber replied that he would look into that issue and report back to Ms. Fernandez.

CITIZENS' COMMENTS

Mr. Lawrence Percival stated that he is a Disabled Vietnam Veteran and would like to know where to apply to get his Metrorail card. He further commented that Mr. Cosgrove's suggestion of limiting the period for the Veteran's program to three to five years is a good suggestion. Providing a discount for the soldiers who serve our country is much greater than a discount. The only other discount given to veterans that he is aware of, is an exemption to property taxes in the State of Florida if they are 100 percent disabled. Furthermore, he asked the members to read last month's minutes, Page 5, regarding the West Kendall project. He suggested asking David Tinder from the PWD to have a report for the next PRC meeting. Lastly, he noted that there are several community organizations that are willing to support the CITT and suggested that CITT staff take a proactive step of emailing the minutes to several organizations throughout the community. The community needs to be made aware of BCC actions that potentially may limit the authority of the CITT which is contrary to what the voters approved. Mr. Cosgrove replied that he does not want staff to be proactive on any issues. They are professionals and can respond with information and be dispassionate on issues. It is the role of the CITT to be the advocate on any issues. In response to emailing the minutes, there is no issue as long as the organization requests to receive them. Mr. Percival thanked the members for their commitment.

Mr. Joe Lepp stated that he agrees with Mr. Percival comments that the CITT should continue the role as the "watchdog" for the surtax funds.

LtCol Colmenares announced that the next PRC meeting is scheduled June 9, 2004 at 6:00 pm – location to be announced.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

LtCol Antonio Colmenares

*****MINUTES ARE IN SUMMARY FORM*****
FOR VERBATIM TRANSCRIPTION OF THIS MEETING PLEASE REQUEST COPIES
FROM THE OCITT OFFICE AT 305-375-3481